

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re: Darcinia Michelle Nixon : Case No. 14-50677
: Chapter 13
: Judge C KATHRYN PRESTON

MOTION TO DEEM MORTGAGE CURRENT

Now comes Frank M. Pees, Chapter 13 Trustee (“Trustee”), and moves this Court for an order deeming Debtors’ mortgage obligation to US Bank Trust NA as Trustee (“Mortgage Company”) current as of the month in which the final payment was made by the Trustee, specifically, March 2019 (“Final Payment Date”). Support for this motion is set forth below.

MEMORANDUM

Debtors filed a case under Chapter 13 of the Bankruptcy Code on February 07, 2014. The plan was confirmed on April 08, 2014. Pursuant to the terms of Debtors’ confirmed Chapter 13 Plan and any filed proofs of claim, any default in the mortgage obligation was to be cured, and regular, post-petition mortgage payments were to be paid to Mortgage Company through the Trustee by “conduit” commencing March 2014.

Debtors have completed all requirements of the confirmed Plan, and Trustee made the final conduit mortgage payment on the Final Payment Date. Debtors have been instructed by the Trustee to make mortgage payments directly to the mortgage company beginning in the month following the Final Payment Date. Therefore, all allowed claims for pre-petition arrearages and all regular, post-petition payments have been paid in full in accordance with the confirmed Chapter 13 Plan.

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Wherefore, Trustee respectfully requests that this Court enter an order:

(a) finding that all pre-petition arrearage claims of Mortgage Company have been paid in full through the Plan;

(b) finding that all regular, post-petition mortgage payments have been made by the Trustee through the Final Payment Date, and that all such “conduit” payments are deemed to have been made on a timely basis;

(c) finding that the mortgage obligation to Mortgage Company is deemed current as of the Final Payment Date; and

(d) directing Mortgage Company to adjust its loan balance to reflect the balance delineated in the original amortization schedule as of the Final Payment Date, and finding that any amounts in excess of that balance, including any alleged arrearages, costs, fees or interest are discharged pursuant to 11 U.S.C. §1328.

Respectfully submitted,

/s/ Frank M. Pees

Frank M. Pees

Chapter 13 Trustee

130 East Wilson Bridge Road #200

Worthington, Ohio 43085

(614) 436-6700

trustee@ch13.org

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CERTIFICATE OF SERVICE

I hereby certify that on April 02, 2019, a copy of the foregoing Motion to Deem Mortgage Current and Notice was served on the following registered ECF participants electronically through the court's ECF system at the email address registered with the court:

U.S. Trustee
Frank M. Pees
Mark Albert Herder Esq.
Adam Bradley Hall Esq.
Lisa Beth Singer Esq.
Edward Henry Cahill Esq.

and on the following by **ordinary U.S. mail** address to:

Darcinia Michelle Nixon
3128 Noe Bixby Rd
Columbus, OH 43232-6359

Residential Credit Solutions, Inc.
c/o Manley Deas Kochalski
P.O. Box 165028
Columbus, OH 43216-5028

Federal National Mortgage Association
c/o Seterus Inc
PO Box 1047
Hartford CT 06143-1047

US Bank Trust NA as Trustee
c/o BSI Financial Services
Attn: President
1425 Greenway Dr Ste. 400
Irving, TX 75038

/s/ Frank M. Pees
Frank M. Pees
Chapter 13 Trustee

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NOTICE OF MOTION TO DEEM MORTGAGE CURRENT

The Chapter 13 Trustee has filed papers with the court asking the court to deem a certain mortgage obligation to be current.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the motion, then on or before twenty-one (21) days from the date set forth in the certificate of service for the motion, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to Clerk, U.S. Bankruptcy Court, 170 N. High Street, Columbus, OH 43215 OR your attorney must file a response using the court's ECF System.

The court must receive your response on or before the above date.

You must also send a copy of your response either by 1) the court's ECF System or 2) regular U.S. Mail to:

Frank M. Pees	United States Trustee
Chapter 13 Trustee	170 N. High Street, #200
130 E. Wilson Bridge Road, #200	Columbus, OH 43215
Worthington, OH 43085	

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief without further hearing or notice.

/s/ Frank M. Pees
Frank M. Pees
Chapter 13 Trustee
130 E. Wilson Bridge Rd., #200
Worthington, OH 43085
(614) 436-6700
trustee@ch13.org